

Sixth Appellate District

San Jose, California

MONDAY, APRIL 25, 2005

H026925 PEOPLE v. MEDRANO

The judgment is affirmed. (not published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed April 25, 2005

H027586 PEOPLE v. HYATT

The judgment is affirmed. (not published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed April 25, 2005

H027882 PEOPLE v. OSCAR M.

The judgment is affirmed. The matter is remanded for the limited purpose of the juvenile court making a finding pursuant to Welfare and Institutions Code section 702. (not published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed April 25, 2005

H028004 PEOPLE v. SHUCK

The judgment is affirmed. (not published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed April 25, 2005

H026934 PEOPLE v. POWELL

We find the evidence is insufficient to support a conviction for Count Four: threats to commit a crime resulting death or great bodily injury, a felony in violation of section 422. The judgment is reversed. (not published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed April 25, 2005

H027242 PEOPLE v. BEESON

By the Court:

Upon the court's own motion, the submission order in the above-entitled matter dated April 15, 2005, is hereby vacated. The court by separate letter issued April 25, 2005, has requested supplemental briefing from the parties. The cause will be resubmitted upon completion of supplemental briefing.

Dated: April 25, 2005

Rushing, P.J.

Sixth Appellate District

San Jose, California

Monday, April 25, 2005 (continued)

H026145 SULLIVAN, as Trustee, et al. v. DORSA, et al.

The order allowing a commission is reversed and the matter is remanded to permit referee Engles to seek reasonable compensation for his own services and expenses under section 873.010, subdivision (a)(3). In all other respects, the orders appealed from are affirmed. Each side will bear its own costs on appeal.

The writ of supersedeas previously granted will remain in effect until issuance of this court's remittitur, or further order. (published)

(Rushing, P.J.; We concur: Elia, J., McAdams, J.)

Filed April 25, 2005

TUESDAY, APRIL 26, 2005

H028125 In re M.T.; DFCS v. JOSEPH T.

The findings and orders of the September 29, 2004 hearing are affirmed. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)

Filed April 26, 2005

H027181 PEOPLE v. DICKENS

The judgment is affirmed. (not published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed April 26, 2005

The Court met this day at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California.

Present: Bamattre-Manoukian, Acting P.J.; Mihara, J.; McAdams, J.; and W. Magsaysay, Deputy Clerk.

H027987 IN RE KASHIF P., A MINOR

Cause called and argued by Jonathan Grossman appearing for Appellant and by Martin S. Kaye, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H027312 KRAMER v. EVANS

Cause called and argued by Joseph O. Johnson appearing for Appellant and by David A. Heck appearing for Respondent. Cause ordered submitted.

Sixth Appellate District

San Jose, California

Tuesday, April 26, 2005 (continued)

H027769 LI v. PREDIWAVE CORPORATION, et al.

Cause called and argued by George Newcombe appearing for Appellants and by John Porter appearing for Respondent. Cause ordered submitted.

H026959 AMERICA ONLINE CASES

Cause called and argued by Mark R. Thierman appearing for Appellants and by Rex Heinke appearing for Respondent. Cause ordered submitted. Court adjourns.

H028410 PEOPLE v. SUPERIOR COURT; HARRIS

Let a peremptory writ of mandate issue directing the superior court to vacate its order dismissing the action and to enter a new order denying the motion to dismiss and reinstating the action. The stay is dissolved. (not published)
(Mihara, J.; We concur: Premo, Acting P.J., Elia, J.)
Filed April 26, 2005

H027988 In re BRIAN T.; SANTA CRUZ HUMAN RESOURCES AGENCY v. SHARON C.

The August 12, 2004, order of the juvenile court terminating appellant's parental rights is reversed and the matter is remanded to the Santa Cruz County Juvenile Court for further proceedings. The remittitur shall issue forthwith. (not published)
(Elia, J.; We concur: Rushing, P.J., Premo, J.)
Filed April 26, 2005

WEDNESDAY, APRIL 27, 2005

H028136 MONTEREY COUNTY DEPARTMENT OF SOCIAL SERVICES v. JUAN M. The cause herein is ordered submitted.

Dated: April 27, 2005 RUSHING, P.J.

H026700 PEOPLE v. JOHN

The judgment is affirmed. (not published)
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)
Filed April 27, 2005

Sixth Appellate District

San Jose, California

Wednesday, April 27, 2005 (continued)

H027414 BROWN v. BIGGS, et al.

The judgment is affirmed. (not published)
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)

Filed April 27, 2005

THURSDAY, APRIL 28, 2005

H027809 PEOPLE v. REYES

The judgment is affirmed. (not published)
(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed April 28, 2005

H027464 PEOPLE v. ROBINSON

The judgment is affirmed. (not published)
(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed April 28, 2005

H026159 PEOPLE v. GARCIA, et al.

The judgment is reversed. The matter is remanded for further proceedings, including the reinstatement of appellant Garcia's convictions in counts 4 and 5, and appellant Salazar's conviction in count 5. (not published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed April 28, 2005

H027535 PEOPLE v. BRADLEY

The judgment is affirmed. (not published)
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)

Filed April 28, 2005

H026037 PEOPLE v. BERMUDEZ

The judgment is affirmed. (not published)
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)

Filed April 28, 2005

Sixth Appellate District

San Jose, California

Thursday, April 28, 2005 (continued)

H026441 PAJARO VALLEY WATER MANAGEMENT AGENCY v. McGRATH

The judgment is reversed and the trial court is directed to vacate the order granting summary judgment and summary adjudication and enter a new order granting summary adjudication only as to the affirmative defenses specified in the motion. Each party will bear its own costs on appeal. (published)

(Rushing, P.J.; I concur: Elia, J.; Concurring opinion by Mihara, J.)

Filed April 28, 2005

H026802 EVANS v. CITY OF SAN JOSE, et al.

By the Court:

The written opinion which was filed on March 29, 2005 is certified for publication. (Bamattre-Manoukian, Acting P.J.; Mihara, J.)

The written opinion which was filed on March 29, 2005, has now been certified for publication pursuant to rule 976(b) of the California Rules of Court, and it is therefore ordered that it be published in the Official Reports.

Dated: April 28, 2005

Bamattre-Manoukian, Acting P.J.

H026738 PAJARO VLY. WATER MGT. AGENCY v. McGRATH

The order denying attorney fees is affirmed for the reasons stated above. (not published)

(Rushing, P.J.; We concur: Elia, J., Mihara, J.)

Filed April 28, 2005

H026931 PEOPLE v. PROTHRO

The judgment is modified to reflect a total of 517 days of credit, 345 days of actual custody and 172 days of conduct credit. The clerk of Santa Clara County Superior Court is directed to prepare an amended abstract of judgment and forward it to the Department of Corrections. As modified, the judgment is affirmed. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed April 28, 2005

H024127 COUNTY OF SANTA CRUZ v. WATERHOUSE, et al.

(Filed order modifying opinion.) There is no change in the judgment. Appellant's petition for rehearing is denied.

(published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed April 28, 2005

Sixth Appellate District

San Jose, California

Thursday, April 28, 2005(continued)

H027465 PEOPLE v. McGRATH

The judgment is affirmed. (not published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed April 28, 2005

H027367 PEOPLE v. CRUZ

The judgment is modified to reflect a total of 642 days of credit, 428 days of actual custody credit and 214 days of conduct credit. The Clerk of the Santa Clara County Superior Court is directed to prepare an amended abstract of judgment and forward it to the Department of Corrections. As modified, the judgment is affirmed. (not published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed April 28, 2005

FRIDAY, APRIL 29, 2005

H027373 In re ELIZABETH Q.; MONTEREY COUNTY DEPARTMENT OF SOCIAL SERVICES v. JUAN Q.

The order appealed from is affirmed. (not published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed April 29, 2005

H027700 In re JAMES M; DFCS v. LARRY M.

The order appealed from is affirmed. (not published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed April 29, 2005

H027104 REYNOLDS CASAS & RILEY, LLP v. 4920 CORPORATION, et al.

The order granting defendants' anti-SLAPP motion is affirmed. The appeal from the ruling as to the cause of action for malicious prosecution is dismissed as nonappealable and moot. The award of attorney's fees is reversed and the issue remanded to the trial court with directions to vacate the \$5,475 award of fees to defendants and redetermine an award upon a properly substantiated request consistent with this opinion, and for a determination of reasonable fees on appeal. Costs on appeal to defendants/respondents. (not published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed April 29, 2005

Sixth Appellate District

San Jose, California

Friday, April 29, 2005 (continued)

H023394 PEOPLE v. PENA, et al.

The convictions of defendants Gustavo Castaneda, Jerry Patlan and Steven Pena are reversed.

The true finding on the gang enhancement, pursuant to section 186.22, subdivision (b)(1) and the true finding on the great bodily injury enhancement, pursuant to section 12022.7 as to defendant Andres Perez are reversed.

The true finding on the gang enhancement, pursuant to section 186.22, subdivision (b)(1) as to defendant Christopher Carrasco is reversed.

As to all other counts, the convictions are affirmed.
(published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed April 29, 2005

H027188 PEOPLE v. DEMICHELE, JR.

The judgment is affirmed. (not published)
(Premo, J.; We concur: Rushing, P.J., Elia, J.)
Filed April 29, 2005